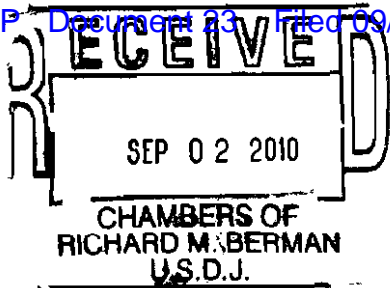




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VIA FIRST CLASS MAIL

The Hon. Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

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Re: **Carter v. Highland Capital, et al, Docket No. 10 CIV 0854 (DC)**

Dear Judge Berman:

The parties in this matter appeared before Your Honor for a settlement conference on June 29, 2010. At the conclusion of the conference the parties advised Your Honor that they had reached an agreement on the general outline of an amicable resolution, but that they required time to follow up on several issues, including estimates for environmental remediation of the property at issue (formerly a Time Warner location), all of which have to be addressed for the parties to be able to determine if a settlement is possible and what the specific terms of the settlement will be. Since then, the parties have been working diligently and in good faith to move forward towards a consensual resolution. However, there are still gaps that need to be bridged. To help facilitate that process, the parties have agreed to mediate this dispute on September 15, 2010.

At the conclusion of the settlement conference, Your Honor scheduled a status conference for September 13, 2010. In light of the pending mediation scheduled for September 15, all parties respectfully request that the September 13 conference be adjourned. This is the first request for an adjournment of any conference in this matter.

Respectfully Submitted,

Jeffrey Schreiber
JS/mlm

cc: Robert N. Chan, Esq. (via email)
Edward S. Rudofsky, Esq. (via email)
Ted Dameris (via email)
Scott Ellington (via email)

**The conference on 9/13/10
is adjourned to 10/18/10
at 9:30 a.m.**

SO ORDERED:

Date: 9/3/10

Richard M. Berman
Richard M. Berman, U.S.D.J.